IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

LA.App..No. 430 of 2006()

(LAR 110/99 OF SUB COURT, TRIVANDRUM)

APPELLANT: RESPONDENT

KERALA STATE, REPRESENTED BY
THE DISTRICT COLLECTOR.

BY GOVT.PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: CLAIMANT

A.AHAMMED KHABEER,
RESIDING AT T.C.49/191, HASHK MANZIL,
KULLATTUMUKKU, MANACAUD, THIRUVANANTHAPURAM.

BY ADV. SRI.P.R.JAYAKRISHNAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.430 of 2006

Dated 16th November, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M.Appln.647/06 : Delay condoned.

This appeal is directed against the judgment and decree in LAR 110/99 on the file of the Sub Court, Thiruvananthapuram. The acquisition is for Kovalam bye-pass. Section 4(1) notification was issued on 11.3.1994. The Land Acquisition Officer awarded the land value at the rate of Rs.19,730/- per Are. The reference court fixed the land value at Rs.48,165/- per Are. The court below found that Ext.A1 property is similar and comparable to the acquired land. Ext.A1 is executed in the year 1993. Section 4(1) notification is of 1994. The extent involved is only 2.35 Ares. In view of the evidence as above regarding similarity and comparability of the acquired property with the property covered by Ext.A1, we do not find any merit in the appeal. It is accordingly dismissed.

I.A.1648/06 : Dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

tgs